(287)

Distr.
LIMITED

E/CN.4/1994/L.29
24 February 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 10 (c)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Croatia*: draft resolution

Problem of missing persons in the territory of the former Yugoslavia

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977, as well as other relevant documents and resolutions of the General Assembly and the Security Council.

Recalling General Assembly resolution 47/133 of 18 December 1992, in which the General Assembly proclaimed the Declaration on the Protection of All Persons from Enforced Disappearance,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also its resolution 1993/7 in which it specifically requested the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, in consultation with the Working Group on Enforced or Involuntary Disappearances and the International Committee of the Red Cross, to develop proposals for a mechanism to address the subject of disappearances in the former Yugoslavia,

Deeply disturbed at the huge number of missing persons still unaccounted for in the conflict in the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina and the Republic of Croatia,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all,

Expressing its deepest sympathy to the families of missing persons in the territory of the former Yugoslavia while reaffirming its readiness to undertake all necessary measures with a view to expediting the search for their next of kin,

Having considered the report on the visit to the former Yugoslavia by a member of the Working Group on Enforced or Involuntary Disappearances undertaken at the request of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1994/26/Add.1) and the valuable proposals contained therein,

Stressing that the basic objective of the "special process" for dealing with the problem of missing persons in the territory of the former Yugoslavia proposed in the report should be to provide their relatives and families with information on their fate,

1. Endorses the conclusions and recommendations contained in the report of a member of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26/Add.1) and decides to establish the proposed "special process" as the joint mandate of the Special Rapporteur on the situation of human rights in the former Yugoslavia and one member of the Working Group on Enforced or Involuntary Disappearances;

2. Expresses its full support for the recommendation that the "special process" should be strictly humanitarian and rely on a pragmatic approach with a view to securing maximum efficiency and maximum cooperation of all parties in the search for missing persons in the territory of the former Yugoslavia;

3. Considers that the "special process" should be enabled to make direct contact with the parties concerned and on-the-spot investigations which are necessary to promote the search for missing persons;

4. Requests the Secretary-General to provide the "special process" with the necessary experienced personnel, equipment and financial resources from the regular budget of the United Nations, if necessary by soliciting contributions for this humanitarian cause from interested Governments and other organizations, and requests the Working Group on Enforced or Involuntary Disappearances to proceed immediately, through appropriate inter-sessional consultations, to designate one of its members for this purpose;

5. Stresses the urgency of establishing this special mechanism in order that all the requests to search for missing persons which have already been processed by the Working Group on Enforced or Involuntary Disappearances can immediately be presented to the parties concerned;

6. Invites the Governments concerned, other interested parties and those in position to help, including the International Committee of the Red Cross to cooperate fully and constructively with the "special process" so as to enable it to discharge its functions efficiently and thus to alleviate the pain and suffering of many relatives of disappeared persons;

7. Requests the Special Rapporteur on the situation of human rights in the former Yugoslavia and the designated member of the Working Group on Enforced or Involuntary Disappearances to keep the families and relatives of missing persons informed of the results of their investigations and to submit joint annual reports to the Commission on Human Rights which would include, as appropriate, identification of obstacles and impediments affecting their work.